

BellSouth D.C., Inc.
Suite 900
1133 21st Street, N.W.
Washington, D.C. 20036-3351

jonathan.banks@bellsouth.com

Jonathan Banks
Vice President-Executive and
Federal Regulatory Affairs

202 463 4182
Fax 202 463 4198

November 29, 2004

Ms Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

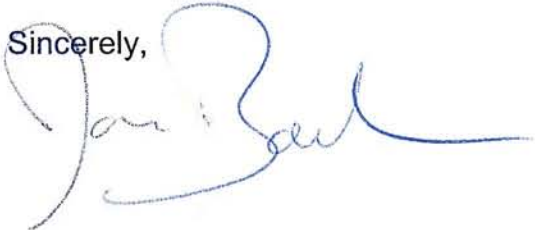
Re: Ex Parte in WC Docket 04-313 and CC Docket 01-338

Dear Ms Dortch:

On November 29, 2004, Margaret Greene and I, representing BellSouth, met with Commissioner Kathleen Abernathy and Matt Brill. We discussed proposed final UNE rules as outlined in the attached handout.

Pursuant to Commission rules, please include this notice in the record of the proceedings identified above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Banks", with a long horizontal flourish extending to the right.

Attachment

cc: Commissioner Kathleen Abernathy
Matt Brill

Final UNE Rules



Dockets 01-338, 04-313 November 29, 2004



Industry Needs Clear Federal Framework To Move To Commercial Solutions And Invest

- New rules should create a uniform federal framework
- New rules should not require complex proceedings to implement
- New rules should take commercial effect as soon as possible
- New rules should create a clear path for negotiating commercial deals without intrusive regulatory scrutiny
- New rules should wall off investment in new technology from unbundling

Dismissing Special Access Creates Legal and Policy Risks For Order

- 100s of 1,000s of special access circuits mean something
- Conversion of these in-place circuits to UNEs cannot be consistent with impairment
 - Conversions tests do not match with impairment
- Legal Risks
- Policy Issues
- UNE Provisioning tested in 271

Competitive Facilities Are “Significantly Deployed” Demonstrating “Competition Is Possible” Broadly

- 18 CLEC fiber networks criss-cross Atlanta
- Two cable providers alone claim 250,000 business customers across the country
- One alternative access database alone contains over 30,000 buildings
- Wire center test best reflects actual and possible
 - Building-by-building test implementation

Metro Atlanta, GA
Known CLEC Fiber Routes

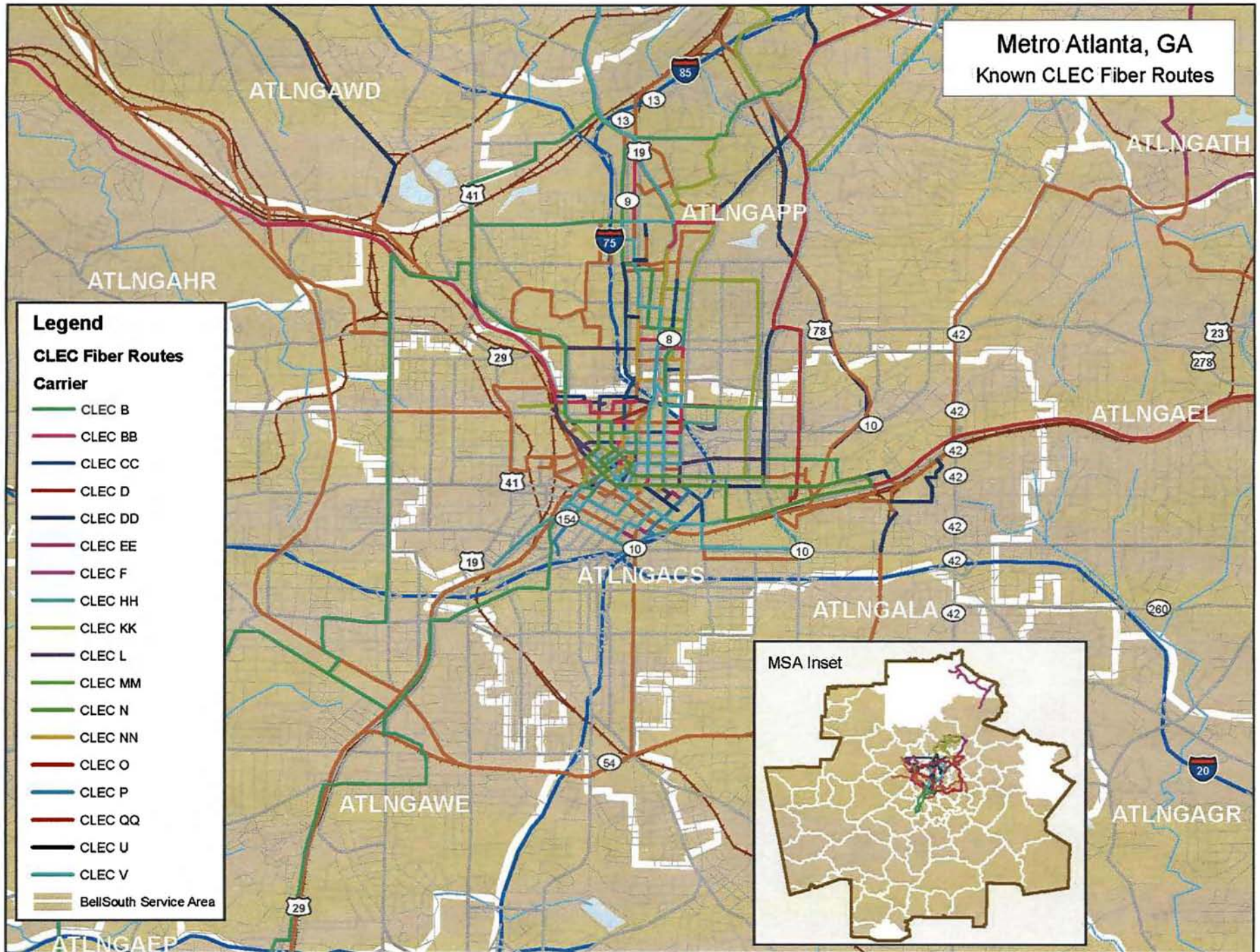
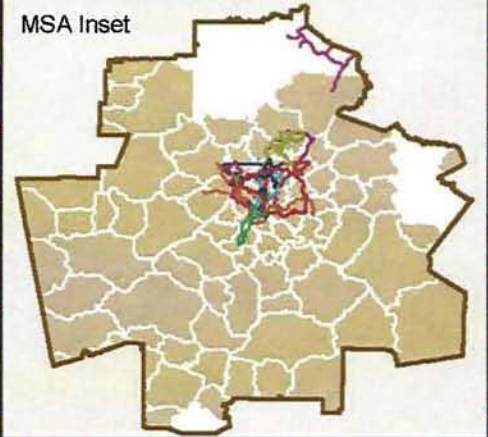
Legend

CLEC Fiber Routes

Carrier

- CLEC B
- CLEC BB
- CLEC CC
- CLEC D
- CLEC DD
- CLEC EE
- CLEC F
- CLEC HH
- CLEC KK
- CLEC L
- CLEC MM
- CLEC N
- CLEC NN
- CLEC O
- CLEC P
- CLEC QQ
- CLEC U
- CLEC V
- BellSouth Service Area

MSA Inset



FIBER BASED COLLOCATION IN BELL SOUTH CENTRAL OFFICES

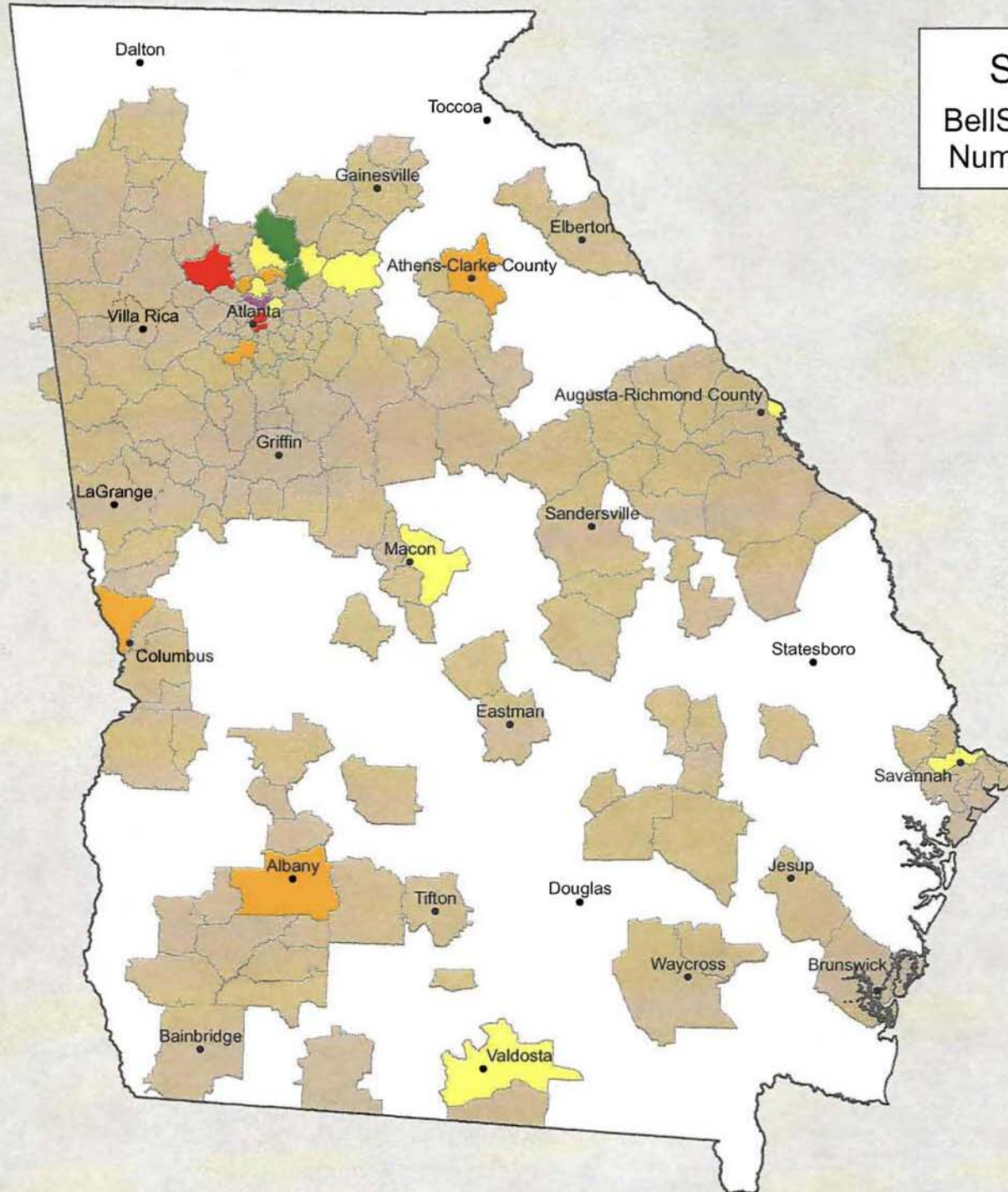
Central Offices By No. of Business Access Lines	No. of Central Offices	Percent of Central Offices	Number of Fiber-Based Collocators				
			0	1+	2+	3+	4+
Below 5,000	1145	72.8%	96.9%	3.1%	1.0%	0.1%	0.1%
5,000-10,000	199	12.6%	45.2%	54.8%	25.1%	11.1%	4.5%
10,000-15,000	94	6.0%	22.3%	77.7%	53.2%	36.2%	17.0%
15,000-20,000	56	3.6%	17.9%	82.1%	75.0%	66.1%	53.6%
20,000-25,000	32	2.0%	3.1%	96.9%	84.4%	81.3%	65.6%
25,000-30,000	20	1.3%	0.0%	100.0%	95.0%	95.0%	90.0%
30,000-35,000	9	0.6%	0.0%	100.0%	100.0%	100.0%	100.0%
35,000-40,000	3	0.2%	0.0%	100.0%	100.0%	100.0%	100.0%
40,000-45,000	3	0.2%	0.0%	100.0%	100.0%	100.0%	100.0%
45,000-50,000	4	0.3%	0.0%	100.0%	100.0%	100.0%	100.0%
Above 50,000	9	0.6%	0.0%	100.0%	100.0%	100.0%	100.0%
<i>Total</i>	1574	100%	78.3%	21.7%	14.4%	10.6%	7.8%

Clear Mandate On UNE-P Will Move Industry To Negotiations

- Clear statement of no new adds
 - State impairment proceedings pre-empted
- Clear transition framework
 - NPRM proposal reasonable
 - Industry can best work out transition details

State of Georgia

BellSouth Wire Centers by Number of Business Lines



Legend

• City/Place

□ State Boundary

BellSouth Serving Area

< 20000 Business Lines

20000 - 25000 Business Lines

25001 - 30000 Business Lines

30001 - 35000 Business Lines

35001 - 40000 Business Lines

40001 - 45000 Business Lines

45001 - 50000 Business Lines

> 50000 Business Lines